

FILED

JUN - 2 2005

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District <i>Delaware</i>	U.S. DISTRICT COURT DISTRICT OF DELAWARE
Name <i>Elwood Teagle</i>	Prisoner No. <i>00142725</i>	Case No. <i>91-03-0165-0173</i>	
Place of Confinement <i>Delaware Correctional Center</i>		<i>05-353</i>	
Name of Petitioner (include name under which convicted) <i>Elwood Teagle</i>		Name of Respondent (authorized person having custody of petitioner) <i>v. Warden Robert + Carol</i>	
The Attorney General of the State of. <i>Delaware</i>			

PETITION

- Name and location of court which entered the judgment of conviction under attack *The Superior Court of Sussex County*
- Date of judgment of conviction *August, 12, 1981*
- Length of sentence *224 years four life sentences*
- Nature of offense involved (all counts) *Two Counts of Rape 1st, one Count of - Attempted Rape, Three Counts of Burglary 1st, Three Counts of Possession of Deadly weapon during Commission of felony.*
- What was your plea? (Check one)

(a) Not guilty	<input checked="" type="checkbox"/>
(b) Guilty	<input type="checkbox"/>
(c) Nolo contendere	<input type="checkbox"/>

 If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

- If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury	<input checked="" type="checkbox"/>
(b) Judge only	<input type="checkbox"/>
- Did you testify at the trial?
Yes ☒ No ☐
- Did you appeal from the judgment of conviction?
Yes ☒ No ☐

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9. If you did appeal, answer the following:

- (a) Name of court Superior Court
- (b) Result denied
- (c) Date of result and citation, if known unknown
- (d) Grounds raised No evidence to support states claim, No physical evidence, Case was based on in court identification only.
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court Serperme Court of the state of Delaware
- (2) Result denied
- (3) Date of result and citation, if known unknown
- (4) Grounds raised No evidence, None from FBI or Hospital.-
in Court identification, No evidence to support any rape conviction

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court NONE
- (2) Result NONE
- (3) Date of result and citation, if known NONE
- (4) Grounds raised NONE

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Superior Court
- (2) Nature of proceeding Motion for Postconviction Relief
- (3) Grounds raised Newly discovered evidence's, FBI Reports showed
that there was no blood on ^{defendants} ~~my~~ jacket and the report was not

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at ~~my~~ trial, medical report showed no rape evidence, semen, hair, blood ect. FBI report wasn't allowed in defendants behalf, No DNA to support claim of rape or assault.

- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result None

(6) Date of result None

- (b) As to any second petition, application or motion give the same information:

- (1) Name of court Supreme Court
Motion for Postconviction Relief
(2) Nature of proceeding ~~_____~~

- (3) Grounds raised Newly discovered evidence, FBI Report showed
that there was no blood on ~~my~~ ^{defendants} jacket and the report was
not at ~~my~~ ^{defendants} trial, medical report didn't support a rape -
Conviction, No DNA to support claim of rape or assault.

- (4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes ☐ No ☒

(5) Result None

(6) Date of result None

- (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

- (1) First petition, etc. Yes ☒ No ☐
(2) Second petition, etc. Yes ☒ No ☐

- (d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

- A. Ground one: Defendant rights were violated when attorney himself
waved the evidentiary ^{hearing} knowing that defendant was ignorant to law
didn't

Supporting FACTS (state briefly without citing cases or law) Defendant ~~did~~ know what
an evidentiary hearing was, and was afraid because of
the threats he had received about how much time he would
get.

- B. Ground two: Defendant was denied effective assistance of Counsel
and a evidentiary hearing.

Supporting FACTS (state briefly without citing cases or law): Defendant and Attorney
met, Attorney told defendant that there was no
evidence of rape, defendant ask attorney well what
am I going to court for, attorney to defendant (goat) I
don't know, defendant wrote to Honorable Judge Tease
and request'd new Counsel, Honorable Tease denied
the request and gave defendant what seem'd to be
a Student of law.

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- C. Ground three: Double jeopardy - Charge stacking. Defendant was charged with rape, because he didn't take a plea he was given 13 other charges

Supporting FACTS (state briefly without citing cases or law): Defendant was told by police that they were going to clear the books on him, after going to court defendant had thirteen added charges.

- D. Ground four (F) The prosecution failure to produce FBI report at trial, medical report shows that there was no rape.

Supporting FACTS (state briefly without citing cases or law): Prosecution informed jury that defendant jacket & other clothes were sent to FBI lab because they saw what they felt was blood on it, Prosecution didn't have FBI reports at trial which were negative and in defendant's favor.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: (A) Because I didn't

know that I could raise these grounds in the lower courts,

(B)

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Attorney waved it, told defendant that it was in his best interest, and it wasn't;

(b) At arraignment and plea None

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- (c) At trial Karl Haller William Wilgus
- (d) At sentencing Karl Haller William Wilgus
- (e) On appeal Karl Haller William Wilgus
- (f) In any post-conviction proceeding Karl Haller William Wilgus
- (g) On appeal from any adverse ruling in a post-conviction proceeding NONE

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: NONE

(b) Give date and length of the above sentence: NONE

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Pro-se

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

4-3-05

(date)

Edward Teagle

Signature of Petitioner

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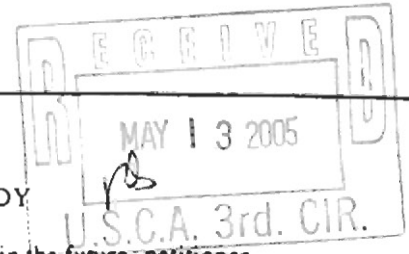
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(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

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Instructions—Read Carefully

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$_____, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is _____.
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.



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U.S.M.S.
X-RAY

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